

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David L. Rimm et al

Serial No.: 08/976,886

Filed: November 24, 1997

For: "Method for the Detection, Identification, Enumeration and Confirmation of Circulating Cancer and/or Hematologic Progenitor Cells in Whole Blood"



Docket No.: H-1296(2)

Group: 1642

Examiner: Y. Eyster

RESPONSE TO SECOND OFFICE ACTION

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

This is responsive to the Official Office Action dated June 23, 1999. Please amend the specification and claims as follows.

IN THE SPECIFICATION

On page 3, line 19, please delete "cytologist" and insert --cytopathologist--.

On page 16, last line, please delete "10X" and insert --200X--.

On page 21, line 11, after "gap." please insert --The transverse thickness of the gap is in the range of about 10 microns to about 100 microns.--.

IN THE CLAIMS

Please rewrite Claims 1-4, 7-9 and 13 as follows.

- Sub 2
- 1.(amended) A method for detecting the presence or absence of circulating target pathologically abnormal nucleated cells in an anticoagulated whole blood sample, said method comprising the steps of:
- a) providing a transparent tube having a bore containing a generally cylindrical insert, said tube and insert combining to form a well-defined zone in the tube;
 - b) combining the blood sample with one or more epitope-specific labeling agents so as to differentiate any pathologically abnormal target nucleated cells in the blood